

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ROY LANGBORD, DAVID LANGBORD, and  
JOAN LANGBORD,**

**Plaintiffs,**

**v.**

**Civil Action No. 06-5315**

**UNITED STATES DEPARTMENT OF THE  
TREASURY; UNITED STATES BUREAU OF  
THE MINT; HENRY M. PAULSON, JR.,  
Secretary of the United States Department of the  
Treasury; STEPHEN LARSON, Acting General  
Counsel of the United States Department of the  
Treasury; EDMUND C. MOY, Director of the  
United States Mint; DANIEL P. SHAVER, Chief  
Counsel, United States Mint; DAVID A. LEBRYK,  
Deputy Director of the United States Mint; and  
the UNITED STATES OF AMERICA,**

**Defendants.**

**EXHIBITS TO MEMORANDUM OF LAW  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS,  
OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

**PATRICK L. MEEHAN  
United States Attorney**

**VIRGINIA A. GIBSON  
Assistant United States Attorney  
Chief, Civil Division**

**JOEL M. SWEET  
Assistant United States Attorney**

**JACQUELINE ROMERO  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106-4476  
Tel. (215) 861-8581  
Fac. (215) 861-8349**

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- D. Memorandum for the Chief, Secret Service Division, dated April 6, 1944
- E. Statement of Israel Switt, dated March 30, 1944
- F. Letter of United States Attorney Gerald A. Gleeson to United States Secret Service Supervising Agent Fred W. Gruber, dated February 6, 1945
- G. Certified records produced by Ronald R. Donatucci, Esq., Register of Wills & Clerk of the Orphans' Court, in response to subpoena
- H. Mint Shipping Report, dated March 6, 1933
- I. Letter of Secretary of the Treasury W.H. Woodin to the Director of the Mint, dated March 6, 1933
- J. Cashier's Daily Statement of Receipts, Disbursements, and Balances, dated March 15, 1933
- K. Annual Report of the Director of the Mint for the Fiscal Year Ended June 30 1934 (excerpt)
- L. Records produced by Wachovia Bank on February 28, 2007
- M. Letter of Barry Berke, Esq., to Daniel P. Shaver, General Counsel of the United States Mint, dated June 29, 2006
- N. Renunciation and Disclaimer executed by Roy H. Langbord, dated October 11, 1990
- O. Renunciation and Disclaimer executed by David E. Langbord, dated October 15, 1990

- P. Inventory and Appraisement for Fair Market Value of Personal Property at 130 South 8th Street, Philadelphia, PA, for I. Switt & Co., dated July 27, 1998
- Q. Inventory and Appraisement for Fair Market Value of Personal Property at 130 South 8th Street, Philadelphia, PA, for I. Switt & Co., dated February 16, 2000
- R. Letter of Barry Berke, Esq., to Daniel P. Shaver, General Counsel of the United States Mint, dated July 25, 2005
- S. Letter of Barry Berke, Esq., to Daniel P. Shaver, General Counsel of the United States Mint, dated May 8, 2006 (Claim for Damage – 1933 Double Eagle Coins”)

# **EXHIBIT A**

09/21/04 TUE 15:15 FAX 2127158000

KRAMER LEVIN

002

**KRAMER LEVIN NAFTALIS & FRANKEL LLP**  
**819 THIRD AVENUE**  
**NEW YORK, NY 10022-3852**

**BARRY H. BERKE**  
**PARTNER**  
**TEL (212) 715-7580**  
**FAX (212) 715-7580**  
**bberke@kramerlevin.com**

**PARIS**  
**47, AVENUE HOCHÉ 75008**  
**TEL (33-1) 44 09 48 00**  
**FAX (33-1) 44 09 48 01**

September 21, 2004

**VIA TELECOPIER & REGULAR MAIL**

**Dan Shaver, Esq.**  
**General Counsel**  
**The United States Mint**  
**801 9th Street, NW**  
**Washington, D.C. 20220**

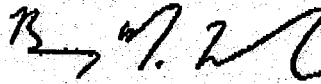
**Re: 1933 Double Eagle Coins**

**Dear Dan:**

I write on behalf of the Langbord family regarding their ownership of ten 1933 Double Eagle Coins (the "Coins"). At the request of the United States Mint, Roy Langbord will make the Coins available to the government on Wednesday, September 22, 2004 based on our understanding that the government will test the Coins for authenticity and secure the Coins while we discuss a possible resolution of the issues relating to the Coins.

This agreement to make available the Coins as described above is without prejudice to all of my clients' rights and remedies existing at law, in equity, or otherwise. We specifically reserve all rights and remedies with respect to the Coins.

Very truly yours,



**Barry H. Berke**

KLJ:W179.1

*Affiliate: Studio Santa Marta*  
*Milan • Roma*

*Alliance: Berwin Leighton Palmer*  
*London • Brussels*

# **EXHIBIT B**

## PROCLAMATIONS

[CONVENING THE CONGRESS IN EXTRA SESSION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

March 5, 1933.

WHEREAS public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on the Ninth day of March, 1933, to receive such communication as may be made by the Executive;

Preamble.

Now, Therefore, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on the Ninth day of March, 1933, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

Convening extra session of Congress, March 9, 1933.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

Done at the City of Washington this Fifth day of March, in the year of our Lord One Thousand Nine Hundred and Thirty-three, and [SEAL] of the Independence of the United States the One Hundred and Fifty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2038]

[BANK HOLIDAY, MARCH 6-9, 1933, INCLUSIVE]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

March 6, 1933.

WHEREAS there have been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding; and

Bank holiday.  
Preamble.

WHEREAS continuous and increasingly extensive speculative activity abroad in foreign exchange has resulted in severe drains on the Nation's stocks of gold; and

WHEREAS these conditions have created a national emergency; and

WHEREAS it is in the best interests of all bank depositors that a period of respite be provided with a view to preventing further hoarding of coin, bullion or currency or speculation in foreign exchange and permitting the application of appropriate measures to protect the interests of our people; and

1690

## PROCLAMATIONS, 1933.

Trading with the  
Enemy Act.  
Regulation of foreign  
exchange, coin-export,  
etc.  
Vol. 40, p. 415.  
Post. p. 1891.

Penalties specified for  
violations.  
Vol. 40, p. 425.

Bank, etc., holiday  
declared March 6 to 9,  
1933.  
Am. p. 1.

Banking transactions  
to be suspended during  
period.

Authority of Secre-  
tary of the Treasury to  
permit certain func-  
tions.

"Banking institu-  
tions" construed.

WHEREAS it is provided in Section 5(b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended, "That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency \* \* \*"; and

WHEREAS it is provided in Section 16 of the said Act "that whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; \* \* \*";

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, in view of such national emergency and by virtue of the authority vested in me by said Act and in order to prevent the export, hoarding, or earmarking of gold or silver coin or bullion or currency, do hereby proclaim, order, direct and declare that from Monday, the sixth day of March, to Thursday, the ninth day of March, Nineteen Hundred and Thirty Three, both dates inclusive, there shall be maintained and observed by all banking institutions and all branches thereof located in the United States of America, including the territories and insular possessions, a bank holiday, and that during said period all banking transactions shall be suspended. During such holiday, excepting as hereinafter provided, no such banking institution or branch shall pay out, export, earmark, or permit the withdrawal or transfer in any manner or by any device whatsoever, of any gold or silver coin or bullion or currency or take any other action which might facilitate the hoarding thereof; nor shall any such banking institution or branch pay out deposits, make loans or discounts, deal in foreign exchange, transfer credits from the United States to any place abroad, or transact any other banking business whatsoever.

During such holiday, the Secretary of the Treasury, with the approval of the President and under such regulations as he may prescribe, is authorized and empowered (a) to permit any or all of such banking institutions to perform any or all of the usual banking functions, (b) to direct, require or permit the issuance of clearing house certificates or other evidences of claims against assets of banking institutions, and (c) to authorize and direct the creation in such banking institutions of special trust accounts for the receipt of new deposits which shall be subject to withdrawal on demand without any restriction or limitation and shall be kept separately in cash or on deposit in Federal Reserve Banks or invested in obligations of the United States.

As used in this order the term "banking institutions" shall include all Federal Reserve banks, national banking associations, banks, trust companies, savings banks, building and loan associations, credit unions, or other corporations, partnerships, associations or persons, engaged in the business of receiving deposits, making loans, discounting business paper, or transacting any other form of banking business.



## PROCLAMATIONS, 1933.

1691

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 6th day of March—1 A.M.  
in the year of our Lord One Thousand Nine Hundred and  
[SEAL] Thirty-three, and of the Independence of the United  
States the One Hundred and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
Secretary of State.

[No. 2039]

[CONTINUING IN FORCE THE BANK HOLIDAY PROCLAMATION OF  
MARCH 6, 1933]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS, on March 6, 1933, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by Proclamation declared the existence of a national emergency and proclaimed a bank holiday extending from Monday the 6th day of March to Thursday the 9th day of March, 1933, both dates inclusive, in order to prevent the export, hoarding or earmarking of gold or silver coin, or bullion or currency, or speculation in foreign exchange; and

WHEREAS, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority conferred by section 5(b) of the Act of October 6, 1917, as amended, are approved and confirmed; and

WHEREAS, said national emergency still continues, and it is necessary to take further measures extending beyond March 9, 1933, in order to accomplish such purposes:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in view of such continuing national emergency and by virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917 (40 Stat. L., 411) as amended by the Act of March 9, 1933, do hereby proclaim, order, direct and declare that all the terms and provisions of said Proclamation of March 6, 1933, and the regulations and orders issued thereunder are hereby continued in full force and effect until further proclamation by the President.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done in the District of Columbia, this 9th day of March, in the  
Year of our Lord One Thousand Nine Hundred and Thirty-  
[SEAL] three, and of the Independence of the United States the  
One Hundredth and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
Secretary of State.

[No. 2040]

March 9, 1933.

Bank holiday.  
Preamble.  
Act, p. 1689.

Statutory approval  
and authority.  
Act, p. 1.  
Vol. 40, p. 418.

Further measures  
necessary under present  
emergency.

Bank holiday ex-  
tended beyond March  
9, 1933.

# **EXHIBIT C**

STANDARD FORM No. 14A  
APPROVED BY THE PRESIDENT  
MARCH 10, 1926

# TELEGRAM

OFFICIAL BUSINESS—GOVERNMENT RATES

Superintendent,  
U. S. Assay Office,  
New York, N. Y.

with  
You are authorized to proceed in the melting of the general stocks of domestic gold coin as soon as working conditions warrant stop. The resulting losses will be carried in your accounts and on accounts current as credits entitled quote reimbursable losses on melted coin quote stop. Such losses will be reported to the Treasurer United States on form four seventy four D per recent advice stop. When Treasurer United States advises you they have been reimbursed they will be transferred to him.

Willie Taylor Room  
Director

## TREASURY DEPARTMENT

WASHINGTON

August 6, 1934.

CHARGE TREASURY DEPARTMENT, APPROPRIATION FOR

**GOVERNMENT RATES**

(The appropriation from which payable must be stated on above line)

U. S. GOVERNMENT PRINTING OFFICE: 1934 2-14117

# **EXHIBIT D**

00-10468



OFFICE OF  
TREASURER OF THE UNITED STATES  
IN REPLYING QUOTE INITIALS

TREASURY DEPARTMENT

FISCAL SERVICE

WASHINGTON 25

APR - 6 1944

April 6, 1944.

Memorandum for the Chief,  
Secret Service Division:

In compliance with Mr. Haley's recent informal request, please be advised that the records of this office do not show that any payments of 1933 Double Eagles were authorized to be made by the United States Mint, Philadelphia, to any Federal Reserve Bank or Branch.

*Marion Danforth*

Assistant Treasurer.



000959

# **EXHIBIT E**

C O

State of Penna.

ss

March 30, 1944

County of Phila.

STATEMENT OF ISRAEL SWITT, 48 years of age, 130 S. 8th St., Philadelphia, Pa.

I, Israel Switt, do hereby make the following voluntary statement:

My first recollection of having bought and sold 1933 Double Eagle Gold Coins was about the beginning of February 1937. This gold coin I received in a collection with other coins, which I purchased under circumstances which I do not remember at this time. This coin I sold to James G. Macallister and also sold Mr. Macallister during the ensuing months of 1937, four similar coins, a total of five. I also sold two of these coins to Ira Reed, 37 S. 18th St., Philadelphia and two more of the same type of coins to Abe Kasoff, now located at 50th & Madison Avenue, New York City. These sales to Kasoff and Reed were two or more years after my sales to Macallister.

These nine coins I distinctly recall having sold but I do not remember when, where or from whom I purchased them, as they were received by me in collections with other coins at different times. In my dealings as a gold buyer, particularly in the acquisition and disposal of scrap gold, I have for many years as far back as the past 40 years, I have visited the United States Mint at Philadelphia as a depositor of scrap gold and the employees whom I got to know there who received this gold from me were Jack Pepper and Robert Graham. My only contact with Mr. Chafin, formerly chief clerk at the Mint, was when I visited the Mint following the revocation of my gold license in 1934, and was endeavoring to get same renewed. I never had any conversation with Mr. Chafin about coins. I do not know Ralph Rolland, nor do I know George McCann. I never had any dealings of any nature with these men. The only coin transactions I ever had with any of the employees of the Philadelphia Mint was when I purchased commemorative coins from one cent to fifty cents or purchases of pennies, nickels, and dimes in 100 lots in proof coins. I never had any conversation about or obtained any gold coins from or through any employees of the U. S. Mint at Philadelphia or elsewhere.

I have been questioned as to the existence of any records in my possession covering the purchase and sale of the gold coins disposed of to Messrs. Macallister, Reed and Kasoff and state on my oath that I do not have any records which will show the time, place, and identity of the persons from whom I obtained these coins, nor do I have any of these coins in my possession or under my control at this time.

I have read this statement and hereby declare same to be the truth.

Witnessed by:

(Signed) George C. Drescher(Signed) Israel Switt

Sworn and subscribed before me this 30th day of March, 1944.

Authority to Administer Oath  
Title 5, Section 93, USCA

(Signed) H. W. Strang  
H. W. Strang, Agent  
U. S. Secret Service

000410

# **EXHIBIT F**



CO-10468

DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY

EASTERN DISTRICT OF PENNSYLVANIA

FOURTH FLOOR, U. S. COURTHOUSE

NINTH AND MARKET STREETS

PHILADELPHIA, PA.

ADDRESS REPLY TO  
UNITED STATES ATTORNEY  
AND REFER TO  
INITIALS AND NUMBER

3432  
JPM:MEB

February 6,  
1945

U. S. SECRET SERVICE

FEB 7 1945  
SUPERVISING AGENT  
DISTRICT NO. 3  
PHILADELPHIA, PA.

Mr. Fred W. Gruber,  
Supervising Agent,  
U.S. Secret Service,  
407 U. S. Custom House,  
Phila., Pa.

FEB 10 1945

CONTAINING SECTION

Dear Sir:-

Re: Israel Switt, et al  
Your file No. CO-10468

Further reference is made to your letter of  
December 18th, in the above matter.

This will confirm my telephone conversation  
with you that prosecution for the offense alleged has been barred  
by the Statute of Limitations. Consequently, no criminal prose-  
cution will be instituted in this matter.

Very truly yours,

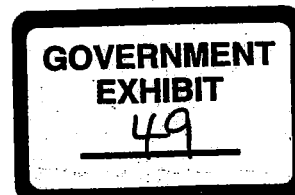
*Gerald A. Gleeson*

GERALD A. GLEESON  
UNITED STATES ATTORNEY

J. P. McCormick



*Copied*



000643